

PLANNING COMMISSION REPORT



MEETING DATE: February 8, 2006

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Maloney's Tavern - 25-UP-2005**

REQUEST Request to approve a conditional use permit for a bar in an existing building located at 8608 E. Shea Blvd with Central Business District (C-2) zoning.

Key Items for Consideration:

- Establishment is within an existing shopping center
- Building previously was occupied by Marco Polo Supper Club
- Applicant operates other similar bar/restaurants in the area
- Parking is adequate to meet code requirements
- A Security and Maintenance Plan has been approved for this establishment

OWNER Maloney's Tavern
480-235-1306

APPLICANT CONTACT Oliver Badgio
Maloney's Tavern
480-235-1306

LOCATION 8608 E. Shea Blvd.

BACKGROUND

Zoning.

The site is zoned C-2 (Central Business District). The C-2 zoning district allows for general business activities, including bar uses with approval of a Conditional Use Permit.

Context.

This subdivision is located in the Pima Crossing Shopping Center at the northwest corner of the 101 Freeway and Shea Blvd.

Adjacent Uses:

- North Commercial
- South Commercial, Residential across Shea
- East Commercial, Freeway
- West Residential

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The applicant is requesting approval of a Conditional Use Permit to establish a bar use in an existing building within the Pima Crossing Shopping Center. The bar will offer a full menu for lunch and dinner (See Attachment #11) and



is targeting a “thirty-something” clientele.

Development information.

- Existing Use: Unoccupied building
- Buildings/Description: Formerly Marco Polo Supper Club
- Parcel Size: 25 acres
- Building Height Allowed: 36 feet
- Existing Building Height: 24 feet
- Floor Area: 7,475 square feet (gross); 1,450 square feet (kitchen); 570 square feet (bar)

IMPACT ANALYSIS

Traffic.

The proposed establishment would operate for lunch and dinner, but its primary trip generation would occur in the evening hours when other businesses in the center are closed. As there was previously a restaurant/bar operating in this building, no increase in overall traffic or in peak trips generated is expected. There are no known negative traffic impacts that resulted from the operation of the previous use (Marco Polo Supper Club).

Parking.

- 63 spaces are required for the bar use
- 1,507 spaces are provided within the shopping center
- 120 spaces are available in close proximity to this building
(See Parking and Traffic Study, Attachment #10)

Water/Sewer.

Water and Sewer infrastructure is in place to adequately serve the site. No upgrades or additions are necessary.

Police/Fire.

There are no reported public service concerns with this use. The bar conditional use permit criteria require submission of a Security and Maintenance plan, which has been reviewed and approved by the Police department. (See Attachment #8)

Policy Implications.

The applicant anticipates that the establishment will meet most of the criteria for restaurants, but that two of the criteria that define a bar (checking for ID at the door and charging a cover charge for admittance) will be met, therefore a bar use permit is being sought.

The requirement that new bars obtain conditional use permits was created to provide an opportunity for evaluating the potential impacts that new bars could have on adjacent uses and to mitigate any negative impacts. The properties to the west of this site, shown on the aerial photographs with this case as large-lot residential, have been redeveloped with office uses. The closest parking for Maloney’s Tavern is immediately to the west of the building and abutting

those office properties. The applicant is being stipulated to monitor the parking areas several times during each evening and address any litter issues that may arise. Due to the type of establishment being proposed (thirty-something gathering place) it is less likely that loitering and littering will occur, but the applicant is being required to perform to a level. Because this use is proposed for a building that was previously occupied by a similar restaurant/bar use, the impacts of the proposed establishment can be anticipated. Approval of this application will not set a precedent for review of bars in other locations.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **No additional lighting is proposed. This site currently has a conditional use permit for live entertainment, and the proposal is not to intensify past impacts. No smoke, odor, dust or vibration from this use are anticipated from this use.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Access to the primary parking area for the shopping center is from Shea and does not introduce new traffic onto neighborhood streets to the west of the center. The bar use could generate additional traffic volume into the shopping center, primarily in the evening hours when other tenants in the center are closed.**
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **The parking spaces that are most convenient to patrons of this establishment are to the west of the building. There is one residential property located to the north and west of this site that could potentially be affected by the operation of this establishment. The applicant has contacted all property owners within 750 feet of the site and staff has received no contacts from citizens regarding this application.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - **There is another bar/restaurant use (Rock Bottom Brewery) within this shopping center. The previous use of this building (Marco Polo Supper Club) did not generate complaints about compatibility with the area.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

Community Involvement.

All property owners within 750 feet of the site have been notified by the city and separately by the applicant. The applicant held an open house that was attended by two citizens. Staff has received no comments from the public regarding this application.

Community Impact.

This request is to replace a similar use that previously occupied the building. The applicant has submitted and obtained approval of a Security and Maintenance Plan that will prescribe maintenance and security operations of the establishment. The owners of Maloney's Tavern also own other establishments in the area, including Cocomo Joes, Mastro's Steakhouse, and Drinkwater's City Hall Steakhouse. Maloney's in downtown Scottsdale is owned by this group of owners but is operated by a franchised management group.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

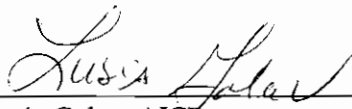
RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

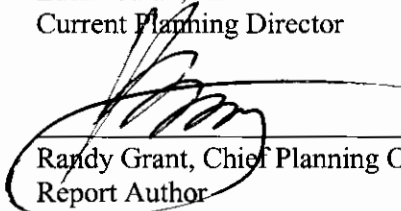
STAFF CONTACT(S)

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY



Lusia Galav, AICP
Current Planning Director



Randy Grant, Chief Planning Officer
Report Author

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Security and Maintenance Plan
9. Floor Plan
10. Traffic and Parking Study

Maloney's Project Narrative

Maloney's is located at 8608 E Shea Blvd formerly a restaurant location with live entertainment from 1995 to September 2005. Maloney's proposes to remodel the existing location to a more upscale Tavern environment. Maintaining a similar use in the community.

This proposed location, Maloney's newest, at 8608 E. Shea Blvd in North Scottsdale is a Bar restaurant Hybrid of the original concept. Mastro Companies has worked to improve the concept and evolve with our customer base. The new Maloney's is very different than the original counterpart. Maloney's On Shea has been designed to cater to the north Scottsdale customer. Men and Women in their mid late thirties to late forties whom are looking for a comfortable cozy restaurant tavern setting to enjoy great food and drinks with friends with classic songs to which everyone knows the words and can sing along. A "matured" version of everyone's favorite place. A Restaurant Tavern setting that is high energy fun in a refined setting suitable for the community and target age group.

This is the second location where Mastro Companies will be operating the Restaurant Tavern concept here in town. The first location to successfully launch the concept was Cocomo Joe's in 2001. Located in Tatum ranch this concept is an island version of the Maloney's Concept with many similarities. A center Bar, elevated dining rooms with large booths, open patio areas and a large restaurant kitchen with expanded menu serving Dinner entrees such as "The Mastro Filet". At its location in the popular 101 loop corridor Maloney's will have a concentration on the professional crowd offering a broad lunch menu and excellent service that our customer has come to expect at a Mastro Restaurant.

Maloney's full menu will be offered till at least 12 midnight seven nights per week and open for lunch daily at 11am. There is no cover charge at Maloney's thus promoting the Restaurant / Tavern concept that offers something for everyone and all our guests can feel comfortable in our upscale high energy fun environment.

Maloney's physical plant has been augmented to accommodate the concept changes. The typical size has grown from 2,500 to 5,000 square feet to the new location at 7,475 square feet with a large 1,450 square foot kitchen which is over 20 percent of the facility. The bar area occupies a smaller percentage of the restaurant at 570 square feet or approximately 8 percent of the restaurant.

In our continuous efforts to improve what we do as we grow. Mastro Companies is very excited to offer our newest concept to the North Scottsdale area and we are looking forward to continuing our long term contribution and positive relationship with our community.

Please see response to specific criteria of Sec. 1.403.D. on following page.

Section D

1. **The use shall not disrupt the existing balance of daytime and nighttime uses.** *Ans.* Maloney's will not disrupt the existing balance of daytime or nighttime uses as Maloney's location has been a restaurant use with live entertainment since 1995. The change to a series 6 liquor license poses no material change in balance of use in the center.
2. **The use shall not disrupt pedestrian oriented daytime activity.** *Ans.* Maloney's will have no impact on daytime pedestrian activity as its location is on a "pad site" not directly adjacent to any other businesses in the center. There is no foot traffic pattern that would cause any pedestrian traffic near the location.
3. **If the use is located with in the downtown overlay district then the following apply:** *Ans.* This is not applicable. The site is not ion the overlay district.
4. **If the use is located with in 500 feet of a residential use or district then:**
 - a. **The use shall not adversely impact residential uses.** *Ans.* Maloney's will not have any adverse impact on neighboring residential uses due to it's location with in the pima crossing shopping center and all of the center's existing buffers of landscaping, retention basin and a 8ft wall to the north. To the south there is approximately 150 feet of shopping center property including two buildings and landscaping before reaching Shea blvd and 4 lanes of traffic and a median. Finally the residential district is buffered by additional 8 foot wall and mature landscaping. To the east and west there are commercial uses.
 - b. **The use shall provide methods of buffering residential uses.** *Ans.* Please see answer to section 4a.
5. **An active management and security plan shall be created, approved, implemented maintained and enforced for the business.** *Ans.* Maloney's Tavern is a division of Mastro Restaurants and is long time members of the north Scottsdale Business community. We take pride in our positive contributions to the community. Maloney's has created and submitted a security and Management plan and will implement and maintain it avidly. Additionally please see enclosed sample of Maloney's management operations manual.
6. **The applicant shall provide with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development services department staff as complying with the written guidelines of the department.** *Ans.* Maloney's Tavern has provided a detailed plan attached to this application. The highlights of this plan are; the location has an enclosed trash area surrounded by an 8 foot wall and attached to the building so that all trash dumping and container storage are with in the area of the building and not in the parking lot. Furthermore Maloney's employs a cleaning crew that patrols the adjacent parking areas to the building removing any potential trash deposited by patrons to our

establishment of or those of any of our surrounding neighboring businesses. This is done twice per day.

7. **The applicant shall demonstrate how noise and light generated by the use shall be mitigated.** Ans. Maloney's is predominantly an interior use with a very small patio area facing east toward the shopping center. Maloney's use produces no light, sound, smoke or vibration above the existing adjacent ambient levels.
8. **The applicant shall demonstrate that the use shall meet required parking and shall not exceed traffic capacity for the area.** Ans. As detailed in the traffic and parking impact study attached to this application Maloney's is well with in the parking requirements and dose not negatively impact traffic in the area as this location was intended for this use and has been in operation since 1995. Maloney's with a Series 6 liquor license does require more parking and at this level needs 148 spaces at capacity. The unused spaces provided in the center during peak hours are over 1,000 of the total 1,500 plus in the center.
9. **After hours establishments must maintain a valid after hours license.** Ans. Maloney's is not an after hours establishment and thus does not maintain an after hours license.



Q.S.
29-48

G.I.S. ORTHOPHOTO 2003

E SHEA BL



Maloney's Tavern

25-UP-2005

ATTACHMENT #2

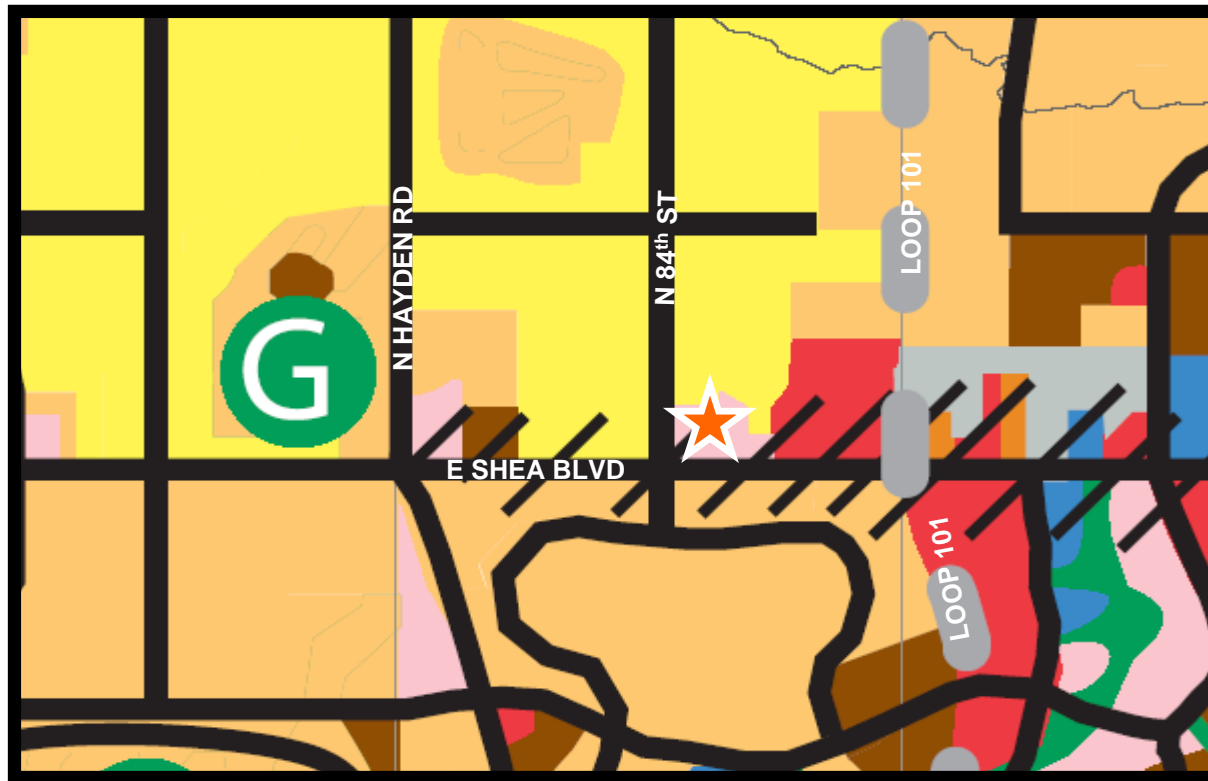


Maloney's Tavern

25-UP-2005

ATTACHMENT #2A

General Plan



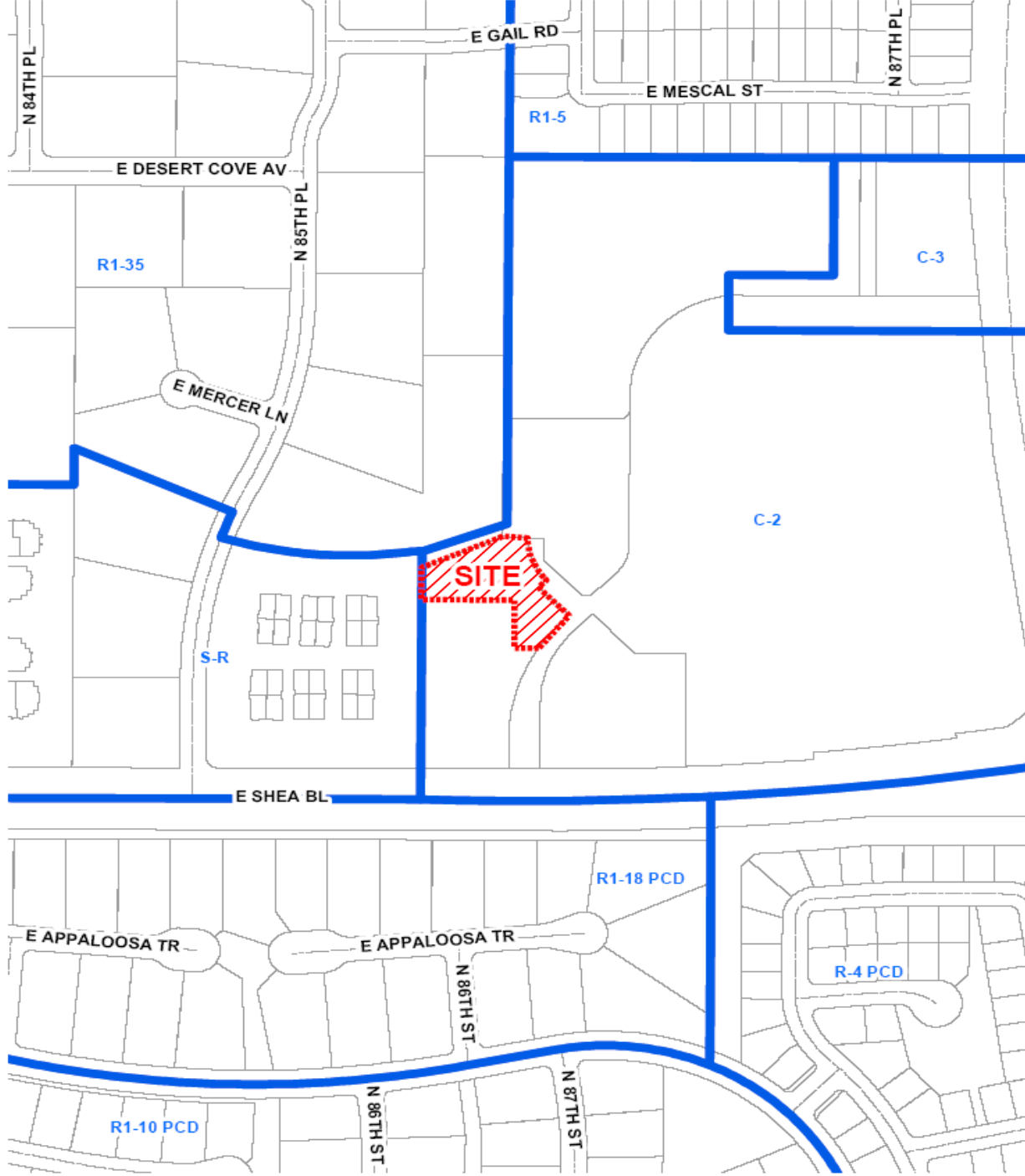
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|--|---|--|--------------------------------------|
| | Rural Neighborhoods | | Commercial |
| | Suburban Neighborhoods | | Office |
| | Urban Neighborhoods | | Employment |
| | Mixed-Use Neighborhoods | | Natural Open Space |
| | Resorts/Tourism | | Developed Open Space (Parks) |
| | Shea Corridor | | Developed Open Space (Golf Courses) |
| | Mayo Support District | | Cultural/Institutional or Public Use |
| | Regional Use District | | |
| | McDowell Sonoran Preserve (as of 8/2003) | | |
| | Recommended Study Boundary of the McDowell Sonoran Preserve | | |
| | City Boundary | | Location not yet determined |



25-UP-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004

Zoning Map



STIPULATIONS FOR CASE 25-UP-2005

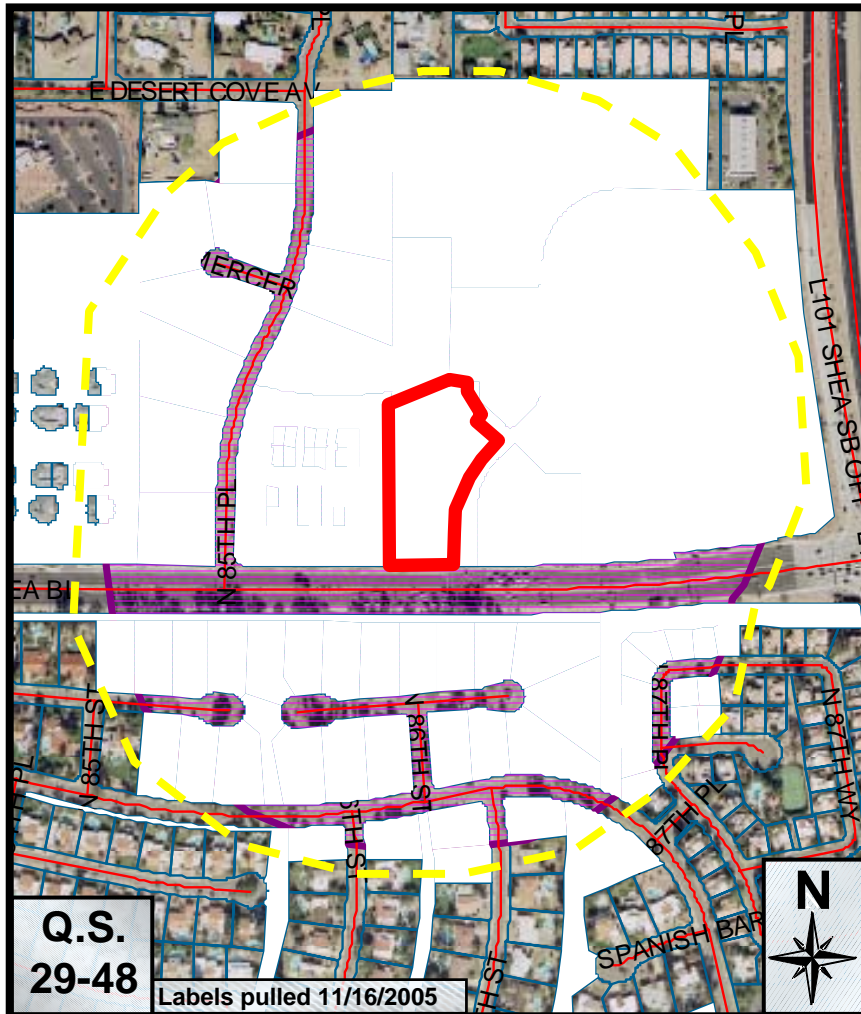
PLANNING/ DEVELOPMENT

1. OPERATIONS. All operations on site shall comply with the following:
 - a. All amplified music shall be not heard or have measurable noise emitted past the property line. All external doors shall remain closed, but not locked during operating hours.
 - b. There shall be no amplified music during the times that state law does not allow liquor sales at this bar.
 - c. The bar operator(s) / merchant(s) shall maintain and conform to a Security and Maintenance Plan approved by the Scottsdale Police Department and shall keep a copy of the approved plan shall on site at all times. Each year, prior to the anniversary of this use permit approval, the bar owner shall provide an update of the Maintenance and Security Plan to the Police Department and the Planning and Development Services Department. If the Security and Maintenance Plan has not changed in the previous year, the applicant shall document that the existing plan shall remain in effect. At any time that there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan which shall be approved by the Police Department, in conjunction with a Staff Approval by the Planning and Development Services Department.
 - d. The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and applicable departments on record with the City of Scottsdale and keep a copy on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of city staff.
 - e. The bar employees shall perform ongoing monitoring of parking areas within 500 feet of the building and shall collect trash, debris and litter at least twice per evening – once at 11:00 pm and once no more than 1 hour after closing.
 - f. Security personnel identified in the Security and Maintenance Plan shall monitor the parking areas within 500 feet of the building at least once per hour that the establishment is open for business and for a period of at least 30 minutes after the business closes. Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance.
 - g. This conditional use permit for a bar use shall remain in effect for as long as a bar use is continually operated at this location. Should the use of the building change to another use that does not require a conditional use permit for a bar for a period of six months or longer, the conditional use permit for a bar shall be considered abandoned and shall no longer be valid.
 - h. The applicant or future assigns with management authority shall notify the Zoning Administrator of any complaints received from citizens regarding the operation of the bar. Notification shall also include actions taken or planned by the management of the establishment to address those complaints.

Maloney's Tavern (25-UP-2005)
Citizen Involvement
Attachment #6

The above attachments are on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

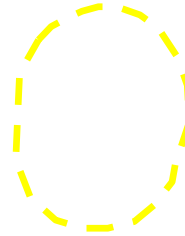
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties List
- Adjacent HOAs

Maloney's Tavern

25-UP-2005

ATTACHMENT #7

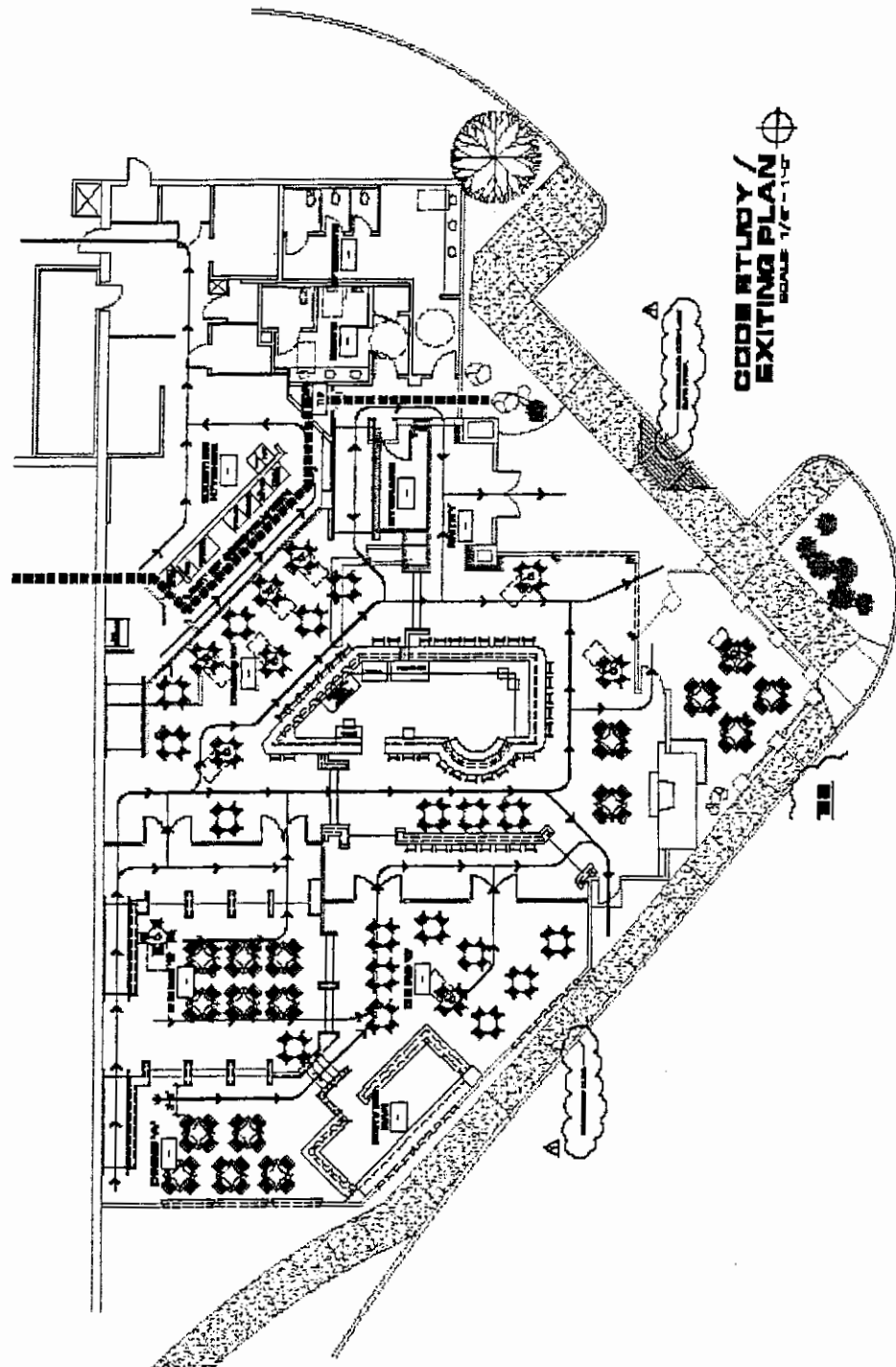
Maloney's Tavern (25-UP-2005)
Security and Maintenance Plan
Attachment #8

The above attachments are on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.



Kimley-Horn
and Associates, Inc.

Floor Plan



ATTACHMENT #9

25-UP-2005
11-15-05

Maloney's on Shea

Figure 3



Kimley-Horn
and Associates, Inc.

October 20, 2005

Mr. Oliver Badgio
Mastro Group Restaurants
16441 North 90th Street
Scottsdale, AZ 85260

■
Suite 300
7878 N. 16th Street
Phoenix, Arizona
85020

Re: Maloney's on Shea - Pima Crossing - 8606 East Shea Boulevard Live
Entertainment Use Permit

Dear Mr. Badgio:

This letter summarizes the parking calculations and traffic analysis completed as part of the application for a live entertainment use permit for Maloney's on Shea. This restaurant will be located within the existing Pima Crossing shopping center on the northwest corner of Shea Boulevard and the Loop 101 in Scottsdale, Arizona. This analysis was prepared to evaluate parking availability and traffic impacts with respect to the live entertainment use.

Introduction

Kimley-Horn and Associates, Inc. (KHA), was retained by Mastro Group Restaurants to evaluate the availability of parking and impacts of traffic for the Maloney's on Shea live entertainment use permit. This parking and traffic analysis has been prepared in support of an application for a live use permit for the facility. Typical evening parking availability, code-required parking, and demand-based parking were evaluated for this analysis.

Site Description

The proposed Maloney's on Shea is located within the Pima Crossing shopping center, located on the northwest corner of Shea Boulevard and the Loop 101 in Scottsdale, Arizona. **Figure 1** shows the location of the site and other adjacent land uses. The site plan is also shown in **Figure 2**. Access to the site is provided by one right out only driveway onto the southbound Loop 101 off ramp at Shea Boulevard and two driveways onto Shea Boulevard. One driveway is a right in and right out only driveway and the second is a full access signalized intersection. A recently completed office development on the north side of Shea Boulevard to the west of the center has constructed a connection between the office and shopping center parking areas.

The existing shopping center consists of approximately 251,000 square feet of development. Maloney's on Shea will be developed in a renovation of an existing building located in the southwest portion of the center. The existing building was previously a restaurant that is currently un-occupied.



According to the current floor plan shown in **Figure 3**, the proposed Maloney's on Shea will include 7,475 square feet of indoor uses with 430 square feet of patio uses. Total indoor public floor area will be 4,934 square feet, and will include both restaurant and bar areas. The proposed kitchen uses will occupy approximately 1,450 square feet of the indoor uses.

Adjacent land uses include retail and restaurant developments. A Pier 1 retail development is immediately adjacent to the southwest of the Maloney's on Shea site. The Bally's fitness center is located to the north and three additional restaurant uses are located to the east across the main access to the center. A new office development is located on the north side of Shea Boulevard to the west of the center. Existing residential development is located south of the site. Other residential uses extend to the north and west of the center with the freeway and other commercial uses to the east.

Parking Provided

As shown in the site plan and aerial exhibit, surface parking will be available on the site. Surface parking is distributed throughout the site, with parking provided immediately surrounding the site (120 spaces including 6 accessible spaces). Additional parking is provided around the adjacent restaurant pad area (337 spaces including 14 accessible spaces), along with parking to the south and east of the building areas along the Loop 101 (170 spaces including 4 accessible spaces). Perimeter parking areas are provided north and west of the main buildings (338 spaces including 4 accessible spaces). The central parking area provides the largest amount of parking (542 spaces including 35 accessible spaces). A total of 1,507 parking spaces are provided for the entire center.

Code Required Parking

The City of Scottsdale has a Basic Zoning Ordinance that stipulates the number of parking spaces required for various types of development within the city. These parking requirements are outlined in Article IX - Parking and Loading Requirements of Appendix B of the Basic Zoning Ordinance. Table 9.2 of this ordinance lists the Schedule of Parking Requirements for different types of developments. The site of the proposed Maloney's on Shea was approved previously for restaurant use. Since there is no change in the land use and no significant change in the floor plan, the code required parking was not recalculated. The previously approved (11/29/94) parking calculations indicated that the total required parking for the center is 1,505 spaces.

Demand-Based Parking Requirement

For the purpose of the live entertainment use proposed at the Maloney's on Shea, it is anticipated that the peak parking demand will occur during the evenings. To estimate the peak-parking requirement associated with the proposed live entertainment use, it is assumed that the demand-based parking requirement for the Maloney's on Shea will not be greater than the maximum occupancy load of the facility. Using the 2003 *Uniform Building Code*, the occupancy load for the facility was calculated to be 370 people, as detailed in **Table 1**.



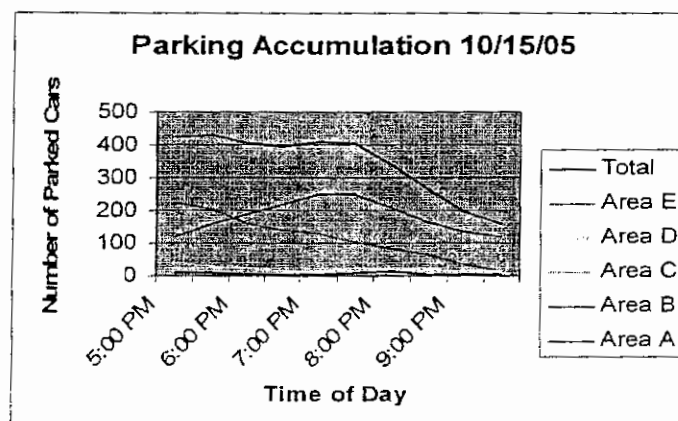
The number of vehicles associated with late-evening peak parking demand can be estimated using the average expected vehicle occupancy. A study performed in downtown Phoenix in 1994 while events were occurring simultaneously at America West Arena, Phoenix Civic Plaza, Symphony Hall, and Herberger Theater, revealed an average vehicle occupancy of 3.6 persons per vehicle. The destination entertainment activities that Maloney's on Shea will host are not likely to result in vehicle occupancy as high as at these venues. An average occupancy of 2.5 persons per vehicle is therefore assumed for this analysis.

The peak parking demand for Maloney's on Shea was determined by dividing the maximum demand (370 people) by the vehicular occupancy (2.5 persons/vehicle). The result, 148 spaces, is the demand-based peak-parking requirement of the Maloney's on Shea.

Table 1: Maximum Occupancy Load Calculations

Area	Square Footage	Occupant Load Factor	No. of Occupants
<i>Interior:</i>			
Dining area	4,934	15	329
Storage	1,090	300	4
Kitchen	1,450	200	8
<i>Exterior:</i>			
Patio	430	15	29
Total Occupancy			370

For the existing uses on the site, parking demand during the late evening hours, coinciding with the peak hours of the live entertainment uses was determined based upon observations of actual evening parking demand. Observations were made every 30 minutes from 5:00 PM to 9:30 PM on Saturday October 15, 2005. Activity levels associated with the live use permit are expected to be peaking in the late evening times (11:00 PM to 1:00 AM). **Figure 4** shows the parking observations for the total shopping center and the five sub-areas that were observed.





Overall, the total parking demand was at its peak at the very beginning of the observing period and dropped throughout the evening. This pattern of decreasing parking demand was observed in four of the five sub-areas identified for the data collection. The parking provided immediately surrounding the Maloney's on Shea site (120 spaces in area A) was relatively unused with over 100 spaces available throughout the observation period. Limited utilization by the retail use was observed along with minor utilization by adjacent restaurant patrons. Parking to the south and east of the building areas along the Loop 101 (170 spaces in area C) also receive little use with over 100 spaces available throughout the observation period. The only significant use came from the sandwich shop and video store. Similarly, perimeter parking areas provided north and west of the main buildings (338 spaces in area D) had over 300 unoccupied spaces during the entire observing period. The central parking area provides the largest amount of parking (542 spaces in area E). This area showed a steady decline in overall utilization through the evening with a minimum of 300 unused spaces during the entire evening. The significant parking generators in this area were the health club and pizza restaurant, which continued to have activity after most of the retail uses had closed for the evening.

Parking provided around the adjacent restaurant pad area (337 spaces in area B), was the only area that showed an increase in parking demand followed by a decrease. This area also exhibited the fewest number of unused spaces (less than 100). Even though the parking area was never completely full, some parking for the restaurant pad uses and the Chinese restaurant in the Shops C building was observed occurring in the adjacent parking areas. Overall, during the entire period of observation there were over 1,000 unoccupied spaces in the shopping center. The total parking demand for the shopping center past 9:30 PM was less than 10% of the total available spaces.

The vast majority building space uses within the center is currently occupied. The exceptions being the building where Maloney's on Shea is proposed and one suite on the northeast part of the center which will be occupied by a furniture store use. This existing vacancy will have limited if any evening parking demand and will utilize a parking area that would not be affected by the parking for Maloney's on Shea.

Parking Supply

For the purpose of the live entertainment use proposed at the Maloney's on Shea, the maximum demand-based peak-parking requirement of the Maloney's on Shea during evening hours is 148 spaces. The maximum observed peak parking demand of the existing shopping center during late evening hours (7:00 PM to 1:00 AM) was 411 vehicles. A total of 1,507 spaces are provided on the site. On-site parking supply will therefore be sufficient to satisfy peak parking demands associated with the live entertainment uses proposed for the Maloney's on Shea development.

In addition to the 120 spaces in area A adjacent to the development, the 90 spaces of perimeter parking immediately north of the Maloney's on Shea site and west



of the fitness center and coffee shop were generally unused and will provide more than the anticipated peak demand based peak parking requirement within 500 feet of the proposed Maloney's on Shea development.

The additional parking constructed as part of the recent development of the office development on the north side of Shea Boulevard to the west of the center, will also be available within 500 feet of the proposed Maloney's on Shea site.

Traffic Analysis

As noted previously, the live entertainment use permit does have the potential to shift the time of some of the traffic activity at the Maloney's on Shea site. Activity levels are expected to be peaking in the late evening times (11:00 PM to 1:00 AM). This is a time of day when traffic volumes on the adjacent streets are significantly reduced from the peak levels experienced during the day.

Since the major street adjacent to the site is Shea Boulevard, it is anticipated that the major source of potential conflicting traffic, which could cause capacity issues, is also Shea Boulevard. During peak activity times of the live entertainment uses at Maloney's on Shea, between 11:00 PM and 1:00 AM, the volume of traffic on Shea Boulevard is significantly lower than during the peak periods during the day. With the access provided to Shea Boulevard at the existing traffic signal at the main entrance to the shopping center, no capacity issues are anticipated as a result of the proposed live entertainment use permit.

Conclusions and Recommendations

The total parking supply available to Maloney's on Shea patrons within the existing Pima Crossing shopping center is over 1,500 parking spaces which are shared by all the tenants of the center. The demand-based parking requirement for Maloney's on Shea is 148 spaces. The available parking supply of 120 spaces immediately adjacent to the development along with other spaces nearby that are unoccupied during the peak demand periods for the will therefore be adequate to meet the peak parking requirements associated with the live entertainment uses of the Maloney's on Shea.

Please contact me at (602) 906-1333 if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Charles R. Wright, P.E.
Vice President

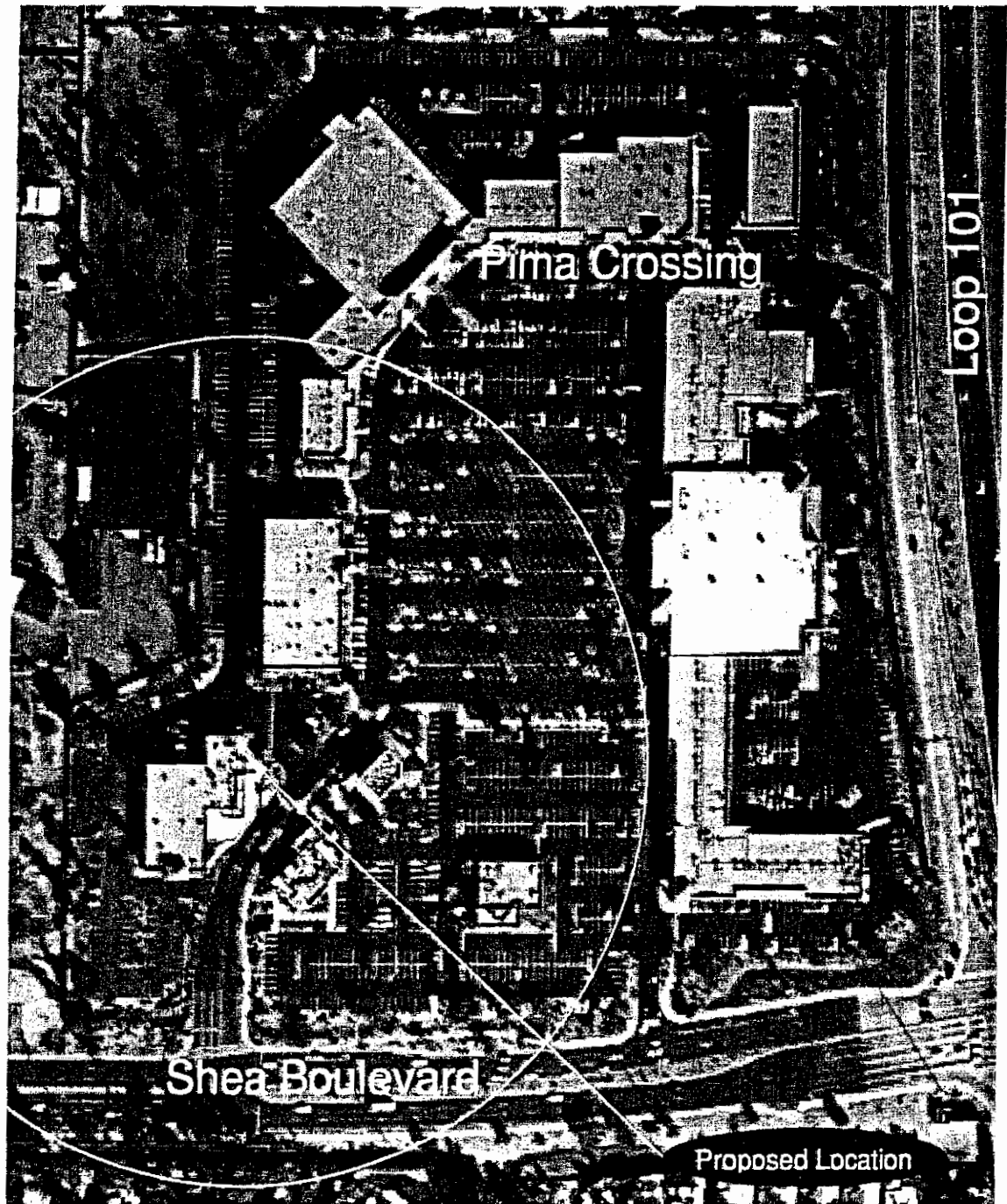
Attachments: Figure 1-3





Kimley-Horn
and Associates, Inc.

Vicinity Map



Maloney's on Shea

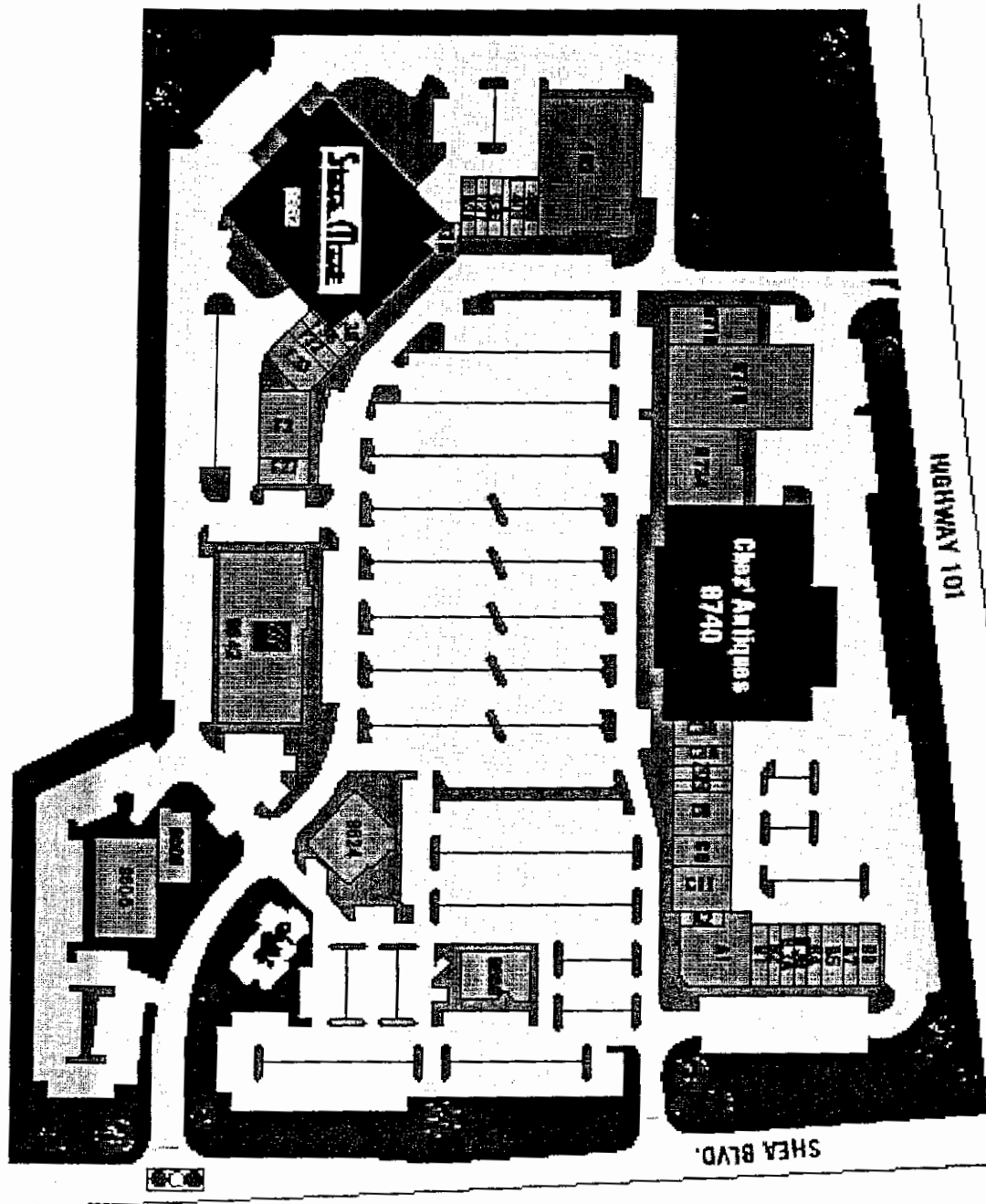
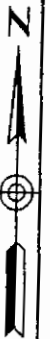
Figure 1



Kimley-Horn
and Associates, Inc.

Site Plan

Scottsdale, Arizona 85260



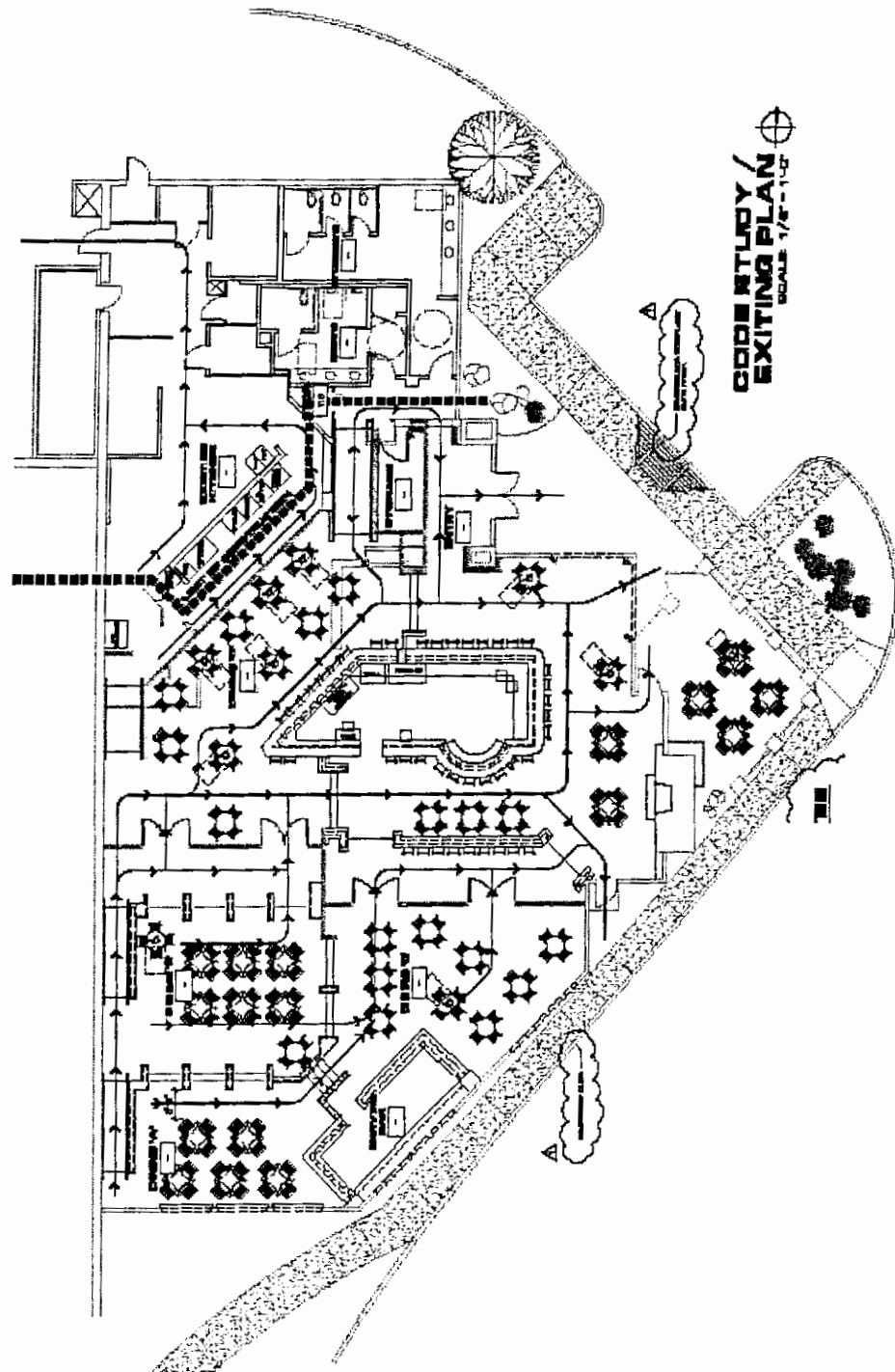
Maloney's on Shea

Figure 2



Kimley-Horn
and Associates, Inc.

Floor Plan



Maloney's on Shea

Figure 3